# UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

WILLIAM ROUNDS

Plaintiff,

-V.-

Civil Action No. 9:12-cv-953 (GLS/TWD)

C.O. THOMPSON, CORRECTION OFFICER; BRIAN FISCHER, COMMISSIONER, NYS DEPARTMENT OF CORRECTION AND COMMUNITY **SERVICE** 

Defendants.

APPEARANCES: OF COUNSEL:

## FOR THE PLAINTIFF:

**WILLIAM ROUNDS** Plaintiff Pro Se 8 Pine Ridge Circle North Syracuse, New York 13212

#### FOR DEFENDANT FISCHER:

HON. ERIC T. SCHNEIDERMAN KEVIN P. HICKEY, ESQ. Attorney General for the State of **New York** The Capitol Albany, New York 12223

## FOR DEFENDANT THOMPSON:

Sheehan, Greene Law Firm LAWRENCE H. SCHAEFE 54 State Street, Suite 1001 THOMAS D. LATIN, ESQ. Sheehan, Greene Law Firm Albany, New York 12207

LAWRENCE H. SCHAEFER, ESQ.

### ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Therese W. Dancks, duly filed May 28, 2013. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED that the Report-Recommendation of Magistrate Judge
Therese W. Dancks filed May 28, 2013 is ACCEPTED in its entirety for the
reasons state therein; and it is further

ORDERED, that Defendant Fischer's Rule 12(c) motion for judgment on the pleadings (Dkt. No. 25) be GRANTED; and it is further

ORDERED, that Plaintiff's Complaint be dismissed as against

Defendant Fisher with leave to amend within thirty (30) days of this Order;

and it is further

ORDERED, that the Clerk of the Court is to mail copies of the Order to the parties in accordance with the court's local rules.

IT IS SO ORDERED.

Dated:

June 20, 2013 Albany, New York

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